General Assembly

Distr.: General
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Fifty-fifth session
Agenda item 114 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/602/Add.3)*]

55/118. Situation of human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights[2] and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Recalling its resolution 54/187 of 17 December 1999, and taking note of Commission on Human Rights resolution 2000/78 of 26 April 2000[4] and Economic and Social Council decision 2000/277 of 28 July 2000,

Taking note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Adama Dieng,[5]

Bearing in mind the report of the Secretary-General on the International Civilian Support Mission in Haiti,[6] and considering the statement by the President of the Security Council of 15 March 2000,[7]

Taking note of the report on the visit to Haiti of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[8] and encouraging the Government of Haiti to follow up actively the recommendations contained therein,

Recognizing the interdependent relations and mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 34/180, annex.
[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.
[5] See A/55/335.
[6] A/55/154
[7] S/PRST/2000/8; see *Resolutions and Decisions of the Security Council, 2000*.
[8] E/CN.4/2000/68/Add.3.

Noting the establishment of the International Civilian Support Mission in Haiti with the mandate to support the democratization process and assist the Haitian authorities with the development of democratic institutions; to assist the Haitian authorities in the reform and the strengthening of the Haitian system of justice, including its penal institutions, and to promote the Office of the Ombudsman; to support the efforts of the Government of Haiti to professionalize the Haitian National Police through a special training and technical assistance programme and to help the Government to coordinate bilateral and multilateral aid in this area; to support the efforts of the Government of Haiti aimed at the full observance of human rights and fundamental freedoms; and to provide technical assistance for the organization of democratic elections and to collaborate with the Government of Haiti in the coordination of bilateral and multilateral assistance,

Commending the work of the Organization of American States in Haiti, in particular the efforts to promote a dialogue among Haitian political actors and civil society groups following the legislative elections held on 21 May 2000,

Expressing concern at the fact that no solution has yet been found with regard to the deficiencies of the elections of 21 May 2000, most notably those identified by national and international observers and by the electoral observation mission of the Organization of American States,

Underlining the importance of the legitimate election of parliament for the institution of democracy, for the rule of law and for the progress of civil, political, social, economic and cultural rights in favour of all Haitians,

Noting with satisfaction the efforts made by the Haitian authorities in the fight against impunity, which resulted in the convictions of the police officers responsible for the Carrefour-Feuilles massacre and the opening of the trial relating to the Raboteau massacre,

Deploring the increasing difficulties met by the press in expressing itself freely since the serious incidents of April 2000,

Recalling the statements made by the Haitian authorities to the effect that the Government remains committed to upholding human rights, and encouraging further actions to improve the promotion, defence and guarantee of those rights,

Underlining the need for the Provisional Electoral Council to be fully representative of the Haitian political scene, including the opposition, impartial, neutral and effective in the preparations for, and during, the forthcoming presidential and senatorial elections,

1. *Expresses its gratitude* to the Secretary-General, his Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. *Commends* the United Nations Civilian Police Mission in Haiti for its training and supervising of the Haitian National Police, and the International Civilian Mission in Haiti for monitoring the situation of human rights and for its activities in support of democratic institutions, the mandates of which Missions concluded on 15 March 2000, opening the way for the International Civilian Support Mission in Haiti, with its mandate to consolidate and build on the results obtained in this regard;

3. *Stresses* the need for the Haitian National Police to continue to undertake more effective efforts to improve its performance through, inter alia, technical assistance, training and education, in order to function efficiently, within a framework of respect for human rights, to curb the alarming increase in insecurity in the country;

4. *Renews its invitation* to the Government of Haiti to ratify, as soon as possible, the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[9] and the Optional Protocols to the International Covenant on Civil and Political Rights;[10]

5. *Requests* all interested Governments to make available to the Government of Haiti information and documentation to enable it to prosecute the perpetrators of human rights violations, in order to reinforce the efforts already made by the Haitian authorities to fight against impunity and to facilitate the reconciliation process;

6. *Calls upon* the Government of Haiti to continue structural reforms in the police and the judicial system and the improvement of the prison sector, to investigate properly politically motivated crimes and to prosecute the perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and the detention by authorities of individuals in violation of court orders for their release, and to ensure due process, including reasonable timeframes;

7. *Reaffirms* the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of investigations undertaken by the National Commission for Truth and Justice, and encourages the Government of Haiti to continue legal proceedings against perpetrators of human rights violations identified by the National Commission and to create effective facilities for providing support to the victims, in particular women, children and members of their families;

8. *Welcomes* the decision of the Permanent Council of the Organization of American States to the effect that that Organization, acting in conjunction with the Caribbean Community and other political actors and civil society groups, should give support to the Government of Haiti and all other actors involved in order to identify, as soon as possible, any options and make recommendations for resolving the difficulties resulting from the conflicting interpretations of the electoral law, and expresses the hope that that will result in concrete corrective actions by the Government of Haiti and other authorities and continue to strengthen the democratic process in that country;

9. *Notes with interest* the forthcoming presidential elections and elections for the renewal of one third of the Senate, and urges the Government of Haiti and other authorities to ensure the necessary guarantees for holding those elections in a transparent, secure and credible environment in agreement with Haiti's political actors and civil society groups, inter alia, by restoring the credibility of the Provisional Electoral Council, and through a true dialogue, with the support of the international community, including the Organization of American States;

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[9] Resolution 39/46, annex.

[10] See resolutions 2200 A (XXI), annex, and 44/128, annex.

10. *Recalls with appreciation* the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to adopt measures to promote the human rights of women and to fight against the violence of which they are victims, through the training of judicial staff and the dissemination of information on the rights of women at all levels of the education system, and encourages Haiti to continue these efforts;

11. *Encourages* the Government of Haiti further to promote the rights of children, in particular their right to education;

12. *Invites* the international community, including the Bretton Woods institutions, to consider, when conditions permit, continuing its involvement in the reconstruction and development of Haiti;

13. *Encourages* the Government of Haiti to contribute to the strengthening of the Office for the Protection of Citizens, inter alia, through regional representation as appropriate, incorporating a gender perspective, and through the establishment of a programme of technical cooperation, in close collaboration with, and with the assistance of, the Office of the United Nations High Commissioner for Human Rights and the International Civilian Support Mission in Haiti;

14. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-sixth session.

81st plenary meeting
4 December 2000

General Assembly

Distr.: General
13 March 2001

Fifty-fifth session
Agenda item 114 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/602/Add.3)*]

55/119. Question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] the Convention on the Rights of the Child[7] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War[8] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[9]

Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council, the resolutions and decisions of the Commission on Human Rights and the resolutions of the Commission on the Status of Women,

Recalling further that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] Ibid., vol. 1125, Nos. 17512 and 17513.
[5] Resolution 260 A (III).
[6] Resolution 39/46, annex.
[7] Resolution 44/25, annex.
[8] United Nations, *Treaty Series*, vol. 75, No. 973.
[9] Resolution 34/180, annex.

aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Expressing deep concern at the lack of reconstruction in Afghanistan,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[10] and of the conclusions and recommendations contained therein, and encourages the Special Rapporteur to continue to fulfil his mandate;

2. *Strongly condemns* the mass killings and systematic human rights violations perpetrated against civilians and prisoners of war, including in the areas of Mazar-e Sharif and Bamian, and notes with alarm the resumption of the wider conflict by the Taliban during the past summer, especially in the Taloqan area, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. *Condemns* the widespread violations and abuses of human rights and international humanitarian law, including the right to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, the forced or compulsory recruitment of children for use in armed conflict and, in particular, the grave human rights violations committed against women and girls;

4. *Reiterates its condemnation* of the killings of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as the attacks on and killings of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes with a view to bringing to justice those responsible;

5. *Notes with deep concern*:

(*a*) The persisting pattern of human rights violations in Afghanistan;

(*b*) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(*c*) The intensification of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, inter alia, on the grounds of ethnicity;

(*d*) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran, Pakistan, Tajikistan and other countries;

(*e*) The deliberate destruction of life-sustaining activities;

(*f*) The substantial restrictions introduced by the Taliban authorities on the operations of the United Nations and the specialized agencies that provide assistance in Afghanistan, and notes the negative impact that those restrictions have on

[10] See A/55/346.

providing women, children, in particular girls, and other most vulnerable groups with assistance;

6. *Also notes with deep concern* the sharp deterioration of the humanitarian situation in many areas of Afghanistan, including the Shamali Plains, the Panjshir Valley and the north-east, and calls for the full implementation of the agreement on the security of United Nations personnel in Afghanistan;

7. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, including fuel for military purposes where identifiable, training or any other military support, including the provision of foreign military personnel, to all parties to the conflict;

8. *Stresses* the need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;

9. *Urges* all the Afghan parties:

(*a*) To respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(*b*) To cease hostilities immediately, to work and cooperate fully with the Personal Representative of the Secretary-General for Afghanistan and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999,[11] thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise of the Afghan people of the right to self-determination;

(*c*) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(*d*) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to fulfil their duty to cooperate with the United Nations mine action programme and to protect its personnel, to prohibit conscripting or enlisting children or using them to participate in hostilities in violation of international law and to ensure the disarmament, demobilization and reintegration of children into society;

(*e*) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(*f*) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention,

[11] A/54/174-S/1999/812, annex.

including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

10. *Demands* that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religion with the United Nations and associated bodies and with other humanitarian organizations, agencies and non-governmental organizations;

11. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of the human rights of women and girls and to take urgent measures to ensure:

(*a*) The repeal of all legislative and other measures that discriminate against women and girls and those that impede the realization of all their human rights;

(*b*) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(*c*) Respect for the right of women to work and their reintegration into employment, including in the specialized agencies and human rights organizations;

(*d*) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(*e*) Respect for the equal right of women to security of person, and to ensure that those responsible for physical attacks on women are brought to justice;

(*f*) Respect for the freedom of movement of women;

(*g*) Respect for the effective and equal access of women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

12. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[12] on her mission to Afghanistan;

13. *Urges* all Afghan parties to respect all international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[9] to bring to an end without delay all violations of the human rights of women and girls, to take urgent measures to ensure respect for all fundamental freedoms and to respect international humanitarian law with regard to the conduct of hostilities;

14. *Notes with appreciation* the activities carried out by the International Committee of the Red Cross, as well as by non-governmental organizations, throughout the territory of Afghanistan;

15. *Recalls* its invitation extended to the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan, expresses deep regret for the lack of cooperation by Afghan parties, calls upon the United Front and the Taliban to fulfil their stated

[12] E/CN.4/2000/68/Add.4.

commitment to cooperate with such investigations, and, noting the summary of the report on the investigations,[13] expresses its deep regret to all the parties for the unsatisfactory results;

16. *Notes with grave concern* the recent reports of summary executions of prisoners in Taliban-held areas in the north of Afghanistan, which have been denied by the Taliban, and calls upon the Taliban to cooperate with the Special Rapporteur in fully investigating those allegations;

17. *Invites* the Secretary-General and the High Commissioner to ensure that the ongoing process of deployment of the civilian affairs observers in Afghanistan is completed as soon as possible and that gender issues and the rights of children are fully taken into account in their mission;

18. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to provide humanitarian assistance to all in need, and urges all Afghan parties to ensure free, safe and unhindered access to all humanitarian personnel, as part of an overall effort to achieve peace;

19. *Expresses its deep concern* at reports of attacks on and looting of cultural artifacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

20. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and to all those special rapporteurs who are seeking invitations, and, in particular, calls upon the Taliban to accommodate the forthcoming visit of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan;

21. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

22. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-sixth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

81st plenary meeting
4 December 2000

[13] A/54/626, annex.